

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Marine Polymer Technologies, Inc.

v.

Civil No. 06-cv-100-JD

HemCon, Inc.

PROCEDURAL ORDER

Marine Polymer Technologies, Inc. brings patent infringement claims against HemCon, Inc., alleging infringement of United States Patent No. 6,864,245 ("'245 patent"). HemCon moved for claim construction of the '245 patent, and Marine Polymer filed an objection. The court understood the motion to request a Markman hearing and denied the motion as premature. HemCon now moves for summary judgment, based upon its asserted construction of the '245 patent, and Marine Polymer moves for partial summary judgment, based on its own claim construction.

Before Marine Polymer's infringement claim can be addressed for purposes of the summary judgment motions, the disputed terms of the '245 patent must be construed by the court. It appears that the parties now agree that the disputed terms that are material to this case are "biocompatible poly- β -1 \rightarrow 4-N-acetylglucosamine" and "biocompatible poly- β -1 \rightarrow 4-N-glucosamine" as used in the '245 patent. Therefore, each party shall file a brief on claim construction **on or before August 17, 2007**. Each

party will then have twenty days to file a response. Leave to file further briefing, such as a reply, must be requested by motion. If either party believes that a hearing on claim construction, a Markman hearing, would be useful and appropriate, that party shall file a motion, after consulting with opposing counsel, explaining the basis for its motion.

Once the court issues a final order on claim construction, counsel shall confer about the remaining issues and the possibilities of settlement. If a settlement is not reached, within thirty days following final resolution of claim construction (that is, after the court issues the order on claim construction and resolves any timely motion for reconsideration that may be filed), the parties shall file motions for summary judgment, if appropriate, on the infringement claim. The rules for responses to those motions will apply thereafter.

The trial in this case which is now scheduled for the trial period beginning on October 15, 2007, will be rescheduled following the court's order on claim construction.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

July 26, 2007

cc: Stephanie Anne Bray, Esquire
Daniel R. Johnson, Esquire
Joseph A. Kromholz, Esquire
Richard B. McNamara, Esquire
Lynda Q. Nguyen, Esquire
Brian M. Poissant, Esquire
Daniel D. Ryan, Esquire
Ognian V. Shentov, Esquire
Jonathan M. Shirley, Esquire
Daniel W. Will, Esquire